

**HIGH COURT OF UTTARANCHAL AT NAINITAL**

**Writ Petition No. 921 of 2003**

Dr. Sanjay Joshi, s/o Shri K.B. Jhoshi r/o  
Disha Clinic Garakhpur, Arkediya Grant,  
Prem Nagar, Dehradun

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Petitioner

Versus

1. Principal Judge, Family Court, Dehradun  
2. Smtl. Nirmala Joshi w/o Dr. Sanjay Joshi,  
R/o Q.A. 71/4, New Area, Oridinance  
Factory Easte, Dehradun.

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Respondents

Sri B.P. Nautiyal, Advocate for the petitioner  
Standing Counsel for the respondent no.1

**Hon'ble Rajesh Tandon J.**

By the present writ petition the petitioner has prayed for a writ of mandamus directing the Judge, Family Court, Dehradun to decide the suit No.151 of 2002 (Dr. Sanjay Joshi vs. Smt. Nirmla Joshi) pending before the Family Judge, Dehradun.

Brief facts giving rise to this writ petition are that petitioner has filed a suit under section 13 (a)(i) of Hindu Marriage Act, before the Judge, Family Court, Dehradun. According to the petitioner written statement has already been filed as back as in the year 2001. Replication has also been filed by the petitioner.

The grievance of the petitioner is that he has filed an application paper no. 28/C<sup>2</sup> under section 21-B(2) of Hindu Marriage Act for disposal of the case. The said application was filed on 25.1.2003. According to the petitioner no order has been passed on the said application for expediting the disposal of the suit.

Section 21-B (2) of Hindu Marriage Act, reads as under:

*(2) Every petition under this Act shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date of service of notice of the petition on the respondent.*

It will be open to the petitioner to state his grievance before the Judge, Family Court. The Judge concerned shall consider the urgency of the case of the petitioner. The petitioner shall also be at liberty to move a fresh application.

The Judge, Family Court, Dehradun, therefore, is directed to pass appropriate order on the application 151/C<sup>2</sup> considering the pendency of the cases before him.

With the aforesaid observation, the writ petition is disposed of.

**(Rajesh Tandon, J.)**

18.09.2003

Dhyani